

REMARKS

Claims 28 through 47 are pending in this application.

The Office Action rejects claims 28-33, 36, 37, 41-44 and 46 under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 3,071,281 to Sawai in view of U.S. Patent No. 5,868,273 to Daenen. The Office Action states that Sawai fails to disclose a bottom cap with a plurality of equidistantly spaced holes in an end wall, but contends that it would have been obvious to modify the Sawai bottom cap with holes 52 shown in Daenen for the purpose of "allowing any overpressure to vent from the container." Applicant respectfully asserts that no such motivation exists to modify the bottom cap of Sawai.

Claims 28-33, 36, 37, 41-44 and 46 have the feature of a bottom cap having a bottom wall with a plurality of holes disposed completely through the bottom wall. The cup in Daenen has a lid 14 with an annular array of webs 34 for receiving a seal ring 42. (Daenen col. 3, lines 21-31). The Daenen lid does not allow any venting of pressure from the cup, but rather provides for flexing of the lower flange 56 of the seal ring 42 to accommodate any overpressure:

Referring to FIGS. 4 and 6, it will be noted that a vertically elongate space 64 is formed between the seal flange 56 and the adjoining upper portion of the body wall 18. This space 64 is significant in providing a pressure accommodating space. In other words, should internal pressures develop within the canister as the lid is mounted and/or from internal pressure generation, this pressure, rather than tending to dislodge the lid or otherwise affect the sealing relationship, would be accommodated with a slight outward flexing of the seal flange 56 into the space 64. Such a flexing would also enhance the

seal at the sealing bead 60. (Daenen col. 4, lines 35-45).

Indeed, the Daenen cup is designed to prevent any venting from the cup through use of the flexing sealing ring, as described in the above paragraph of Daenen.

Moreover, there would not be any motivation to provide any type of a venting structure to the cap of Sawai since the Sawai cap is provided with "well developed pressure sealing members." (Sawai col. 2, lines 29-32). The Sawai container is also intended for storing materials that may be poisonous where such venting would be inappropriate. (Sawai col. 1, lines 45-50). Thus, there is no motivation to modify the Sawai cap with a bottom wall with a plurality of holes disposed completely through the bottom wall, as described in claims 28-33, 36, 37, 41-44 and 46.

The Office Action rejects claims 34 and 35 under 35 U.S.C. § 103 as being obvious over Sawai in view of Daenen and further in view of U.S. Patent No. 5,312,013 to Bridges. Claims 34 and 35 depend from claim 28 and include the feature of a bottom cap having a bottom wall with a plurality of holes disposed completely through the bottom wall. Bridges is relied upon by the Office Action for the disclosure of spaced inner and outer walls that provide for a contiguous connection of the container and bottom cap walls. Bridges does not disclose or suggest the features of claims 34 and 35 of a plurality of holes disposed completely through the bottom wall.

The Office Action rejects claims 38 and 39 under 35 U.S.C. § 103 as being obvious over Sawai in view of Daenen and further in view of U.S. Patent No. 4,828,126 to Vinciguerra. Claims 38 and 39 depend from claim 28 and include the feature of a bottom cap

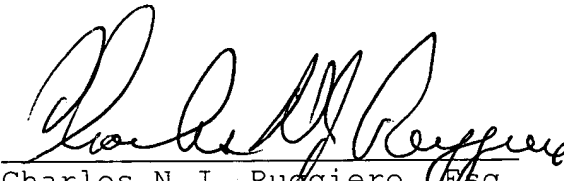
having a bottom wall with a plurality of holes disposed completely through the bottom wall. Vincinguerra is relied upon by the Office Action for the disclosure of a container rim having an inwardly directed flange. Vincinguerra does not disclose or suggest the features of claims 38 and 39 of a plurality of holes disposed completely through the bottom wall.

The Office Action rejects claims 40, 45 and 47 under the judicially created doctrine of obviousness-type double patenting over claims 1 through 54 of U.S. Patent No. 6,719,159 (Chomik). Assignees, by and through their attorney of record, will file a terminal disclaimer pursuant to 37 C.F.R. 1.321 to overcome this rejection upon the allowance of these claims over the above art.

The Office Action rejects claims 40, 45 and 47 under the judicially created doctrine of obviousness-type double patenting over claims 1 through 23 of U.S. Patent No. 6,142,325 (Chomik). Assignees, by and through their attorney of record, will file a terminal disclaimer pursuant to 37 C.F.R. 1.321 to overcome this rejection upon the allowance of these claims over the above art.

It is submitted that pending claims 28 through 47 are allowable. It is respectfully urged that this application be passed to allowance.

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